



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 4, 2012**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on December 4, 2012.

TUESDAY, DECEMBER 4, 2012—9:00 A.M.

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|-----|---------------------|---|
| (1) | S199887/
S199889 | Bourhis (Danielle) et al. v. Lord (John) et al.
<i>(consolidated cases)</i> |
| (2) | S190581 | Riverisland Cold Storage, Inc. et al. v. Fresno-Madera
Production Credit Assn. |
| (3) | S184929 | Aryeh (Jamshid) v. Canon Business Solutions, Inc. |

2:00 P.M.

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| (4) | S181004 | Harris v. City of Santa Monica |
| (5) | S183365 | Greb (Walter) et al. v. Diamond International Corp. |
| (6) | S093756 | People v. Williams (Corey Leigh) [Automatic Appeal] |

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, DECEMBER 4, 2012—9:00 A.M.

(1) *Bourhis (Danielle) et al. v. Lord (John) et al., S199887 and S199889 (consolidated cases)*

#12-29 Bourhis (Danielle) et al. v. Lord (John) et al., S199887 and S199889 (A133177 nonpublished opinion; Superior Court of Marin County; CIV060796.) Petition for review after the Court of Appeal denied a motion to dismiss an appeal in a civil action. These two cases present the following issue: If a corporation's corporate status is suspended due to nonpayment of taxes at the time it files a notice of appeal, can the appeal proceed if the corporation thereafter revives its status even if it does not do so until the time for filing the notice of appeal has expired?

(2) *Riverisland Cold Storage, Inc. et al. v. Fresno-Madera Production Credit Assn., S190581*

#11-40 Riverisland Cold Storage, Inc. et al. v. Fresno-Madera Production Credit Assn., S190581. (F058434; 191 Cal.App.4th 611; Superior Court of Fresno County; 08CECG01416.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Does the fraud exception to the parol evidence rule permit evidence of a contemporaneous factual misrepresentation as to the terms contained in a written

agreement at the time of execution, or is such evidence inadmissible under *Bank of America National Trust & Savings Association v. Pendergrass* (1935) 4 Cal.2d 258, 263, as “a promise directly at variance with the promise of the writing”?

(3) *Aryeh (Jamshid) v. Canon Business Solutions, Inc.*, S184929

#10-123 Aryeh (Jamshid) v. Canon Business Solutions, Inc., S184929. (B213104; 185 Cal.App.4th 1159; Superior Court of Los Angeles County; BC384674.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) May the continuing violation doctrine, under which a defendant may be held liable for actions that take place outside the limitations period if those actions are sufficiently linked to unlawful conduct within the limitations period, be asserted in an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.)? (2) May the continuous accrual doctrine, under which each violation of a periodic obligation or duty is deemed to give rise to a separate cause of action that accrues at the time of the individual wrong, be asserted in such an action? (3) May the delayed discovery rule, under which a cause of action does not accrue until a reasonable person in the plaintiff’s position has actual or constructive knowledge of facts giving rise to a claim, be asserted in such an action?

2:00 P.M.

(4) *Harris v. City of Santa Monica*, S181004

#10-46 Harris v. City of Santa Monica, S181004. (B199571; 181 Cal.App.4th 1094; Superior Court of Los Angeles County; BC341569.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does the “mixed-motive” defense apply to employment discrimination claims under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.)?

(5) *Greb (Walter) et al. v. Diamond International Corp.*, S183365

#10-98 Greb (Walter) et al. v. Diamond International Corp., S183365. (A125472; 184 Cal.App.4th 15; Superior Court of San Francisco County; 274989.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does Corporations Code section 2010, which does not limit the time for bringing lawsuits against a dissolved corporation, apply to a dissolved foreign corporation, or does the corporate survival law of the state in which the foreign corporation was incorporated apply?

(6) *People v. Williams (Corey Leigh)*, S093756 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.